UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,629	10/01/2003	Herbert Bachler	36162	7839
116 PEARNE & G	7590 09/12/2007 ORDON LLP		EXAMINER	
1801 EAST 9TH STREET SAUNDE			SAUNDERS	JR, JOSEPH
SUITE 1200 CLEVELAND, OH 44114-3108		ART UNIT	PAPER NUMBER	
	,	,	2615	
			<u> </u>	
			MAIL DATE	DELIVERY MODE
		•	09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) Applicant(s) BACHLER, HERBERT				n
Examiner Art Unit Joseph Saunders 2015 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the previouses 43 CPR 1.13(b), In an event, however, may a naply be timely filed - If No period for may be specified show, he maximum studiory period will again and well apple (30) MONTHS from the mailing date of the communication of the communication in the period of the communication is period to the communication of the communication in the communication of the com	-	Application No.	Applicant(s)	+
Joseph Saunders Joseph Sau		10/676,629	BACHLER, HERBERT	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Editations of time may be available under the provision of 3 CFR 1.136(), in no event, however, may a reply be timely filled If NO period for reply is appelled above, the maximum statutory pried will apply ent will expire \$1.00 (to NOTH'S from the mailing date of this communication. Failus to reply within the set of examined particle for reply apply and will expire \$1.00 (to NOTH'S from the mailing date of this communication. Failus to reply within the set of examined particle for 1970 (to Noth's flow) the maximum statutory pried will apply ent will expire \$1.00 (to NOTH'S from the mailing date of this communication. Failus to reply within the set of examined particle from the mailing date of this communication, even if timely filled, may reduce any eventure parent time alignature. Plant of the communication (s) filled on 24 July 2007. Zay This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is safer withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) 1-11 is/are rejected. 7) Claim(s) is/are allowed. 8) Claim(s) 1-11 is/are rejected. 8) Claim(s) 1-11 is/are rejected. 9) The applicant may not request that any objection and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Entraces of time may be available under the provisions of 37 CFR 1.35(b). In or events, however, may a rays be timely flied - If No period for reply is specified above, the maximum datablery parked will apply and will expire 1xx (9) MONTHS from the making date of this communication or specified previous the set of extended period for reply wills, by tautobe, cause the application to become ASAPCO/EC (35 U.S. C. § 13.13). Any reply received by the Office and be than three maining date of this communication, even if timely filled, may reduce any control of the communication of the communication, even if timely filled, may reduce any control term adjustment. See 37 CPR 1.79(b). - Status 1) Responsive to communication(s) filled on 24 July 2007. 2a) This action is FINAL. 2b) This action is filled the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)		Joseph Saunders	2615	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Elementor time maybe available under the provisions of 37 CFR 1.30(b). In no event, however, may a reply be limby filled. If NO period for reply is specified above, the maximum statutory period will apply and will expire 50 K (6) MONTH'S from the mailing date of this communication. Period will apply and will expire 50 K (6) MONTH'S from the mailing date of this communication. Period will apply and will expire 50 K (6) MONTH'S from the mailing date of this communication. Period will apply and will expire 50 K (6) MONTH'S from the mailing date of this communication, even it timely filled, may reduce any owner patient term alignature. See 37 CFR 1.74(4). Status 1) Responsive to communication(s) filled on 24 July 2007. 2a) This action is FINAL. 2b) This action is finAL. 2c) This action is finAL. 2c) This action is finAL. 2d) Claim(s) 1-f1 Is/are pending in the application. 4a) Of the above claim(s) is/are allowed. Claim(s) 1-f1 Is/are rejected. 7b) Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on 01 March 2004 Is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Hill The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the cert		ppears on the cover sheet with the	correspondence address	
1) ⊠ Responsive to communication(s) filed on 24 July 2007. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 1-11 is/are rejected. 7) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) 1-11 is/are rejected. 7) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☒ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in Application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perions for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the ma	DATE OF THIS COMMUNICATION 1.136(a). In no event, however, may a reply be to dwill apply and will-expire SIX (6) MONTHS from the cause the application to become ABANDON	DN. imely filed m the mailing date of this communication. IED (35 U.S.C. § 133).	
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * ○ None of:	Status			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 ○.G. 213. Disposition of Claims 4) Claim(s)	1) Responsive to communication(s) filed on 24	July 2007.		
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	2a) ☐ This action is FINAL . 2b) ☑ T	his action is non-final.		
Al)	3) Since this application is in condition for allow	vance except for formal matters, p	rosecution as to the merits is	
4) Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	closed in accordance with the practice unde	r <i>Ex parte Quayle</i> , 1935 C.D. 11, 4	453 O.G. 213.	
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☒ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Disposition of Claims			
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☒ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	4) Claim(s) 1-11 is/are pending in the application	on.		
6) ☐ Claim(s) 1-11 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.				
7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on O1 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	5) Claim(s) is/are allowed.			
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on <u>01 March 2004</u> is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	6)⊠ Claim(s) <u>1-11</u> is/are rejected.			
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on O1 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	7) Claim(s) is/are objected to.			
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	8) Claim(s) are subject to restriction and	d/or election requirement.		
10) ☐ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 20 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	Application Papers			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	9)⊠ The specification is objected to by the Exami	iner.		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	10)⊠ The drawing(s) filed on 01 March 2004 is/are	e: a)⊠ accepted or b)⊟ objected	to by the Examiner.	
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. * Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) * Notice of Informal Patent Application	Applicant may not request that any objection to the	he drawing(s) be held in abeyance. S	ee 37 CFR 1.85(a).	
Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)			•	
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 10 Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	11)☐ The oath or declaration is objected to by the	Examiner. Note the attached Office	e Action or form PTO-152.	
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 1. Information Disclosure Statement(s) (PTO/SB/08) 1. Information Disclosure Statement(s) (PTO/SB/08)	Priority under 35 U.S.C. § 119	•		
1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Notice of Informal Patent Application	12) ☐ Acknowledgment is made of a claim for forei	gn priority under 35 U.S.C. § 119(a)-(d) or (f).	
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 1 Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	a) ☐ All b) ☐ Some * c) ☐ None of:			
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s) Notice of References Cited (PTO-892)	 Certified copies of the priority docume 	ents have been received.		
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s)** 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	<u> </u>	, ,		
* See the attached detailed Office action for a list of the certified copies not received. **Attachment(s)** 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * Justine Copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		•	ved in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	·			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	See the attached detailed Office action for a I	ist of the centified copies not receiv	vea.	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	ķ			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	• •		(DTO 442)	
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail	Date	
	3) Information Disclosure Statement(s) (PTO/SB/08)		Patent Application	

Application/Control Number: 10/676,629 Page 2

Art Unit: 2615

DETAILED ACTION

This office action is in response to the communication filed July 24, 2007. Claims
 1 – 11 are currently pending and considered below.

Election/Restrictions

Applicant's election without traverse of claims 1 – 11 reading on Species IV
 (Figures 4 and 5) in the reply filed on July 24, 2007 is acknowledged.

Specification

- 3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
- 4. The disclosure is objected to because of the following informalities: Hearing system 1 is not shown in Figure 1 as mentioned on page 7 lines 14 16 of the specification. There appears to be no difference between \overline{Z}_{ac} and \overline{Z}_{acc} expect for the figures to which they pertain, and therefore the use of \overline{Z}_{ac} and \overline{Z}_{acc} should be consistent throughout the specification in regards to the figures, or the drawings and the specification should simply refer to one or the other and not both.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 2615

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hohmann et al. (US 7,013,015 B2), hereinafter <u>Hohmann</u>.

Claim 1: Hohmann discloses a hearing system comprising at least one ear-applicable hearing device with an input acoustical/electrical converter arrangement (Figures 1 and 2), said system being controllably operable in one operating status (normal operating status with narrow-band notch filters deactivated) and in at least one second operating status (narrow-band notch filters activated) characterised by a sensing unit (oscillation detector 15) sensing behaviour of an acoustical impedance (changes in acoustic feedback) to an acoustical input (microphone 12) of said input converter arrangement and an evaluation unit (control unit 18) evaluating said sensed behaviour over at least one predetermined behaviour of said acoustical impedance ("calculates"), an output of said evaluation unit controlling change over from said one to said at least one second operating status ("activates") (Column 6 Lines 27 – 29).

Claim 3: <u>Hohmann</u> discloses the system of claim 1 or 2, wherein said hearing device has an output electrical to acoustical converter arrangement (earphone 14), characterised by said sensing unit (oscillation detector 15) sensing stability of an acoustical/electrical feedback loop including said hearing device at an individual (Column 1 Lines 25 – 35).

Art Unit: 2615

Claim 4: <u>Hohmann</u> discloses the system of claim 1, characterised by the fact that said sensing unit (oscillation detector 15) and said evaluation unit (control unit 18) is realised by an acoustical/electrical feedback loop including said hearing device at said individual (Column 1 Lines 25 – 35 and Figure 2).

Claim 5: <u>Hohmann</u> discloses the system of claim 1, wherein said first and second operating status comprise operating status of said hearing device (operating status of the notch filters of the hearing aid, Column 4 Lines 51 – 59).

Claim 6: <u>Hohmann</u> discloses the system of claim 1, comprising a second hearing device (hearing aid device 11') operationally connected to said first hearing (hearing device 11) device by a communication link (signal path 17), said first and second operating status comprising status of said second hearing device (hearing aid device 11 and 11' have operating statuses pertaining to notch filters activated and notch filters deactivated at different frequencies and the operating status of each hearing aid device is conveyed on the communication link for comparison, Column 6 Lines 11 – 18).

Claim 7: Hohmann discloses the system of claim 1, comprising a second hearing device (hearing aid device 11') operationally connected to said first hearing device (hearing device 11) by a communication link (signal path 17), said first and second status comprising status of said communication link (hearing aid device 11 and 11' have

Art Unit: 2615

operating statuses pertaining to notch filters activated and notch filters deactivated at different frequencies and the operating status of each hearing aid device is conveyed on the communication link for comparison, Column 6 Lines 11 – 18).

Claim 8: <u>Hohmann</u> discloses the system of claim 1, consisting of said hearing device (hearing aid device 11, Figure 2).

Claim 9: <u>Hohmann</u> discloses the system of claim1, wherein said at least one hearing device is an outside-the-ear hearing device or an in-the-ear hearing device or a completely-in-the-canal hearing device ("The invention can be employed in all standard types of hearing aid devices, for example, given hearing aid devices to be worn behind the ear, hearing aid devices to be worn in the ear, implantable hearing aid devices or pocket devices," Column 3 Lines 18 – 21).

Claim 10: <u>Hohmann</u> discloses the system of claim 1, wherein said at least one hearing device is a hearing aid device ("The invention can be employed in all standard types of hearing aid devices, for example, given hearing aid devices to be worn behind the ear, hearing aid devices to be worn in the ear, implantable hearing aid devices or pocket devices," Column 3 Lines 18 – 21).

6. Claims 1 – 2, 5, and 8 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. (US 6,748,089 B1), hereinafter <u>Harris</u>.

Art Unit: 2615

Claim 1: Harris discloses a hearing system comprising at least one ear-applicable hearing device with an input acoustical/electrical converter arrangement (Figures 1 and 2), said system being controllably operable in one operating status and in at least one second operating status ("the hearing aid 10 is switchable among a plurality of operational modes", Column3 Lines 30 – 51) characterised by a sensing unit (SED 102 and NED 104) sensing behaviour of an acoustical impedance (changes in signal and noise envelopes) to an acoustical input (microphone 26) of said input converter arrangement and an evaluation unit (selector 56) evaluating said sensed behaviour over at least one predetermined behaviour of said acoustical impedance, an output of said evaluation unit controlling change over from said one to said at least one second operating status (Column 6 Lines 30 – 47).

Claim 2: <u>Harris</u> discloses the system of claim 1, said predetermined behaviour being caused by applying a hand adjacent to and/or to said hearing device (hand 14 and finger 18, Figure 1).

Claim 5: <u>Harris</u> discloses the system of claim 1, wherein said first and second operating status comprise operating status of said hearing device (parameter sets of the hearing aid, Figure 8).

Art Unit: 2615

Claim 8: <u>Harris</u> discloses the system of claim 1, consisting of said hearing device ("This hearing aid aspect of this invention may also be embodied in other conventional configurations of hearing aids such as "in the ear", "in the canal", "behind the ear", the eyeglass type, body worn aids and surgically implanted hearing aids," Column 3 Lines 30 – 51).

Claim 9: <u>Harris</u> discloses the system of claim1, wherein said at least one hearing device is an outside-the-ear hearing device or an in-the-ear hearing device or a completely-in-the-canal hearing device ("This hearing aid aspect of this invention may also be embodied in other conventional configurations of hearing aids such as "in the ear", "in the canal", "behind the ear", the eyeglass type, body worn aids and surgically implanted hearing aids," Column 3 Lines 30 – 51).

Claim 10: <u>Harris</u> discloses the system of claim 1, wherein said at least one hearing device is a hearing aid device ("This hearing aid aspect of this invention may also be embodied in other conventional configurations of hearing aids such as "in the ear", "in the canal", "behind the ear", the eyeglass type, body worn aids and surgically implanted hearing aids," Column 3 Lines 30 – 51).

Claim 11: <u>Harris</u> discloses a method for manually controlling a hearing system with a hearing device comprising applying a hand adjacent to and/or to said hearing device

Art Unit: 2615

(Column 3 Lines 30 – 51 and Figures 1 and 2), sensing an acoustical input impedance change caused by said hand to control said hearing system (Figures 8 and 9).

Page 8

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

August 20, 2007

SINH TRAN SUPERVISORY PATENT EXAMINER